



ENVIRONMENTAL REVIEW COMMITTEE REPORT AND ADMINISTRATIVE CONDITIONAL USE PERMIT REPORT & DECISION

ERC MEETING DATE:	July 26, 2010		
Project Name:	Clearwire Cell One Antenna		
Owner:	City of Renton, 1055 South Grady Way, Renton, WA 98057		
Applicant:	Clearwire, 4400 Carillon Point, Kirkland, WA 98033		
Contact:	Jennifer Taylor, Realcom Associates, 14432 SE Eastgate Way, Suite 260, Bellevue, WA 98007		
File Number:	LUA10-040, ECF, CU-A		
Project Manager:	Gerald Wasser, Associate Planner		
Project Summary:	<p>The applicant is requesting Environmental (SEPA) Review and approval of an Administrative Conditional Use Permit for the installation of a 77-inch diameter microwave antenna (large parabolic antenna) on an existing water tank located in the Residential - 8 dwelling units per acre (R-8) zone on a 1.52 acre parcel. The applicant proposes to install three panel antennas, each with dimensions of 4-feet by 1-foot, however, these do not require environmental review or a conditional use permit. The 110-foot high water tank on which this proposed large parabolic antenna and three panel antennas would be installed currently has several other existing wireless antennas. Access to the project site will remain via 82nd Avenue South.</p>		
Project Location:	12603 82 nd Avenue South		
Exist. Bldg. Area SF:	N/A	Proposed New Bldg. Area (footprint):	N/A
		Proposed New Bldg. Area (gross):	N/A
Site Area:	1.52 acres	Total Building Area GSF:	N/A
STAFF RECOMMENDATION:	Staff Recommends that the Environmental Review Committee issue a Determination of Non-Significance (DNS).		



Project Location Map

PART ONE: PROJECT DESCRIPTION / BACKGROUND

A. EXHIBITS:

- Exhibit 1: Project file ("yellow file") containing the application, reports, staff comments, and other material pertinent to the review of the project.
- Exhibit 2: Vicinity Map
- Exhibit 3: Site Plan
- Exhibit 4: Proposed Enlarged Site Plan and Existing Enlarged Site Plan
- Exhibit 5: East Elevation
- Exhibit 6: West Elevation
- Exhibit 7: North Elevation
- Exhibit 8: South Elevation
- Exhibit 9: Aerial Photograph with Zoning

B. GENERAL INFORMATION:

- 1. **Owner(s) of Record:** City of Renton, 1055 South Grady Way, Renton, WA 98057
- 2. **Zoning Designation:** Residential - 8 dwelling units/acre (R-8)
- 3. **Comprehensive Plan Land Use Designation:** RSF
- 4. **Existing Site Use:** Water tank with attached wireless antennas
- 5. **Neighborhood Characteristics:**
 - a. **North:** Dimmitt Middle School ball field (King County R-6 zone)
 - b. **East:** Church and single-family residential (King County R-6 zone)
 - c. **South:** Single-family residential (King County R-6 zone)
 - d. **West:** Single-family residential (King County R-6 zone)
- 6. **Access:** 82nd Avenue South
- 7. **Site Area:** 1.52 acres

C. HISTORICAL/BACKGROUND:

<u>Action</u>	<u>Land Use File No.</u>	<u>Ordinance No.</u>	<u>Date</u>
Comprehensive Plan	N/A	5099	11/01/2004
Zoning	N/A	5100	11/01/2004
Annexation	N/A	3973	01/29/1986

D. PROJECT NARRATIVE:

The applicant is requesting the approval of an Administrative Conditional Use Permit to install a 77-inch diameter antenna (large parabolic dish antenna) on an existing City-owned 110-foot tall water tank in the Residential - 8 dwelling units per acre (R-8) zone. The project site is a City of Renton parcel surrounded by unincorporated King County territory. The site is rolling with the steepest slope on the site being approximately 20 percent. The large parabolic antenna would be mounted on the eastern side of the water tank. The applicant has seven microwave dish antennas and four panel antennas which were previously installed on the water tank. Associated with the installation of the large parabolic dish antenna would be the installation of three new panel antennas which are each 4-feet by 1-foot in size. Two of these panel antennas would be mounted on the south portion of the water tank and one would be mounted on the north portion of the water tank. While the large parabolic antenna may only be installed after approval of a Conditional Use Permit, the panel antennas are permitted with the granting of a building permit. The antennas will be painted light blue to match existing water tank. Other than the installation of the wireless antennas no changes would be made to the site. The applicant indicates that the facilities at this site are serviced once per month. During that service, one to two employees are on site for an average of four hours of maintenance checks and providing preventive maintenance. Should any problems occur a crew is dispatched to the site.

E. PUBLIC SERVICES:

1. Utilities

- a. Water: Water is provided by the Skyway Water and Sewer District.
- b. Sewer: Sewer is provided by the Skyway Water and Sewer District.
- c. Surface/Storm Water: No improvements are required for the proposed facility.

2. Streets: The site is served by 82nd Avenue South.

3. Fire Protection: Fire service is provided by the City of Renton Fire Department.

PART TWO: ENVIRONMENTAL REVIEW

In compliance with RCW 43.21C.240, the following environmental (SEPA) review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

A. ENVIRONMENTAL THRESHOLD RECOMMENDATION

Based on analysis of probable impacts from the proposal, staff recommends that the Responsible Officials:

Issue a DNS with a 14-day Appeal Period.

B. MITIGATION MEASURES

No additional mitigation measures are recommended.

C. ENVIRONMENTAL IMPACTS

The proposal was circulated and reviewed by various City Departments and Divisions to determine whether the applicant has adequately identified and addressed environmental impacts anticipated to

occur in conjunction with the proposed development. Staff reviewers have identified that the proposal is likely to have the following probable impacts:

1. Aesthetics

Impacts: The proposed project would add additional wireless antennas to an existing 110-foot tall water tank. The proposed 77-inch parabolic dish antenna would be mounted on the eastern side of the existing water tank and would be visible from the east, south, and north sides of the water tank. While there are seven smaller dish antennas currently mounted on the water tank, the proposed 77-inch dish may be more prominently visible. Because the proposed large parabolic antenna would not extend above the height of the existing water tank, would be mounted close to the surface of the water tank, and would be painted light blue to match and blend in with the color of the water tank, it would be visual absorption of the antenna would be attained.

Mitigation Measures: No further mitigation is required.

Nexus: None required.

D. COMMENTS OF REVIEWING DEPARTMENTS

The proposal has been circulated to City Department and Division Reviewers. Where applicable, their comments have been incorporated into the text of this report and/or "Advisory Notes to Applicant."

- ✓ **Copies of all Review Comments are contained in the Official File and may be attached to this report.**

PART THREE: ADMINISTRATIVE CONDITIONAL USE PERMIT REVIEW

A. APPLICABLE SECTIONS OF THE RENTON MUNICIPAL CODE:

1. Chapter 2 Land Use Districts

- Section 4-2-020: Purpose and Intent of Zoning Districts
- Section 4-2-060: Zoning Use Table
- Section 4-2-110: Residential Development Standards

2. Chapter 4 Property Development Standards

- Section 4-4-030: Development Guidelines and Regulations
- Section 4-4-140: Wireless Communication Facilities

4. Chapter 9 Procedures and Review Criteria

- Section 4-9-030J: Special Decision Criteria for Wireless Communication Facilities In Lieu of Standard Criteria

5. Chapter 11 Definitions

B. APPLICABLE SECTIONS OF THE COMPREHENSIVE PLAN:

Utilities Element: Policies U-100 and U-101

C. DEPARTMENT ANALYSIS:

1. Environmental Review

In compliance with RCW 43.21C.240, the Determination of Non-Significance issued on July 26, 2010 addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

2. Compliance with ERC Mitigation Measures

Not applicable.

3. Staff Review Comments

Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Departmental Recommendation at the end of this report.

4. Consistency with Special Decision Criteria for Wireless Communication Facilities In Lieu of Standard Criteria

The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of RMC 4-4-140, Wireless Communication Facilities, are better served thereby.

a) Height of the proposed tower.

The proposed parabolic antenna would be mounted on the side of the existing 110-foot tall water tank. The existing water tank currently has other wireless antennas mounted on it. The addition of the parabolic antenna would not increase the height of the structure.

b) Proximity of the tower to residential structures and residential district boundaries.

The proposed parabolic antenna would be mounted on an existing water tank. The water tank is more than 200-feet from the nearest residential structure. The site is in the City of Renton R-8 zone which is surrounded by King County R-6 zoning.

c) Nature and uses on adjacent and nearby properties.

The adjacent and nearby properties are developed with churches, residences, school property and undeveloped properties. Bryn Mawr Park is located approximately 950-feet to the north.

d) Surrounding topography.

The project site is rolling with the steepest slope being approximately 20 percent. The surrounding topography is rolling and slopes downward.

e) Surrounding tree coverage and foliage.

There are existing trees to the south and west of the project site. There are conifer and deciduous trees scattered on the project site around the water tank which provide screening from 82nd Avenue South at street level.

f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

There is no proposed tower. The proposed parabolic antenna would be mounted on an existing water tank. The antenna would be painted light blue to match the water tank and would not extend above the top of the water tank.

g) Proposed ingress and egress.

Currently the site is accessed from 82nd Avenue South. Site ingress and egress will not change as a result of the proposed project.

h) Potential noise, light and glare impacts.

No lights or equipment cabinets are included in the proposed project. No light, glare, or noise would be produced as a result of the installation of the proposed antennas.

i) Availability of suitable existing towers and other structures.

The proposed antennas would be collocated on an existing water tank which currently has wireless antennas mounted on it.

j) Compatibility with general purpose , goals, objectives and standards of the Comprehensive Plan, the Zoning Ordinance and any other plan, program, map or ordinance of the City.

The proposed project is compatible with the Comprehensive Plan and the Zoning Ordinance, and wireless communication facility regulations.

D. FINDINGS:

Having reviewed the written record in the matter, the City now enters the following:

- 1. Location:** The subject site is located at 12603 82nd Avenue South.
- 2. Governing Regulations:** The regulations pertaining to wireless communication facilities in the R-8 zone are covered under RMC 4-2-060 and RMC 4-2-110A.
- 3. Review Criteria:** The analysis of the proposal according to conditional use permit criteria for wireless communication facilities is found in the body of the staff report.
- 4. Request:** The applicant has requested approval for a 77-inch parabolic diameter dish antenna.
- 5. Administrative Conditional Use Permit:** The applicant's administrative conditional use permit submittal materials comply with the requirements necessary to process a conditional use permit for a wireless communication facility.
- 6. Zoning:** The site is located in the Residential – 8 dwelling units per acre (R-8) zone.
- 7. Existing Land Uses:** North – School ball field (King County R-6 zoning);

South – Single family residential (King County R-6 zoning);

East – Church and single-family residential (King County R-6 zoning);

West – Single-family residential (King County R-6 zoning)

8. Topography: The site is rolling with the steepest slope being approximately 20 percent.

E. CONCLUSION:

1. The proposed antenna meets the 10 special decision criteria to be considered in making a decision on a conditional use permit request as specified in RMC 4-9-030J. Such criteria include the height of the proposed facility, proximity to residential structures and residential district boundaries, nature and uses on adjacent and nearby properties, surrounding topography, surrounding tree coverage and foliage, design, ingress and egress, potential noise, light and glare impacts, availability of other structures, and compatibility with the general purpose, goals, objectives and standards of the Comprehensive Plan, the Zoning Ordinance, wireless communication facility regulations, and any other plan, program, map or ordinance of the City.

F. DECISION:

The **Clearwire Cell One Antenna**, File No. **LUA10-040, ECF, CU-A**, is approved.

DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:

[Signature on file]

C. E. "Chip" Vincent, Planning Director

Date

TRANSMITTED this 30th day of July, 2010 to the Contact/Applicant/Owner(s):

Contact:

*Jennifer Taylor
Realcom Associates
14432 SE Eastgate Way, Suite 260
Bellevue, WA 98007*

Applicant:

*Clearwire (c/o Jennifer Taylor)
4400 Carillon Point
Kirkland, WA 98033*

Owner(s):

*Clearwire
1065 South Grady Way
Renton, WA 98055*

TRANSMITTED this 30th day of July, 2010 to the Party(ies) of Record:

None

TRANSMITTED this 30th day of July, 2010 to the following:

*Neil Watts, Development Services Director
Kayren Kittrick, Development Services
Jennifer Henning, Current Planning Manager
Renton Reporter*

LAND USE ACTION APPEALS, REQUEST FOR RECONSIDERATION, & EXPIRATION

The administrative land use decision will become final if the decision is not appealed within 14 days of the decision date.

APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on August 13, 2010. An appeal of the decision(s) must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Renton Municipal Code Section 4-8-110.B governs appeals to the Hearing Examiner. Appeals must be filed in writing together with the required fee to Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Additional information regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall - 7th Floor, (425) 430-6510.

RECONSIDERATION: Within 14 days of the decision date, any party may request that a decision on a short plat be reopened by the Administrator (Decision-maker). The Administrator (Decision-maker) may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the Administrator (Decision-maker) finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal timeframe.

EXPIRATION: The Administrative Conditional Use permit decision will expire two (2) years from the date of decision pursuant to RMC 4-8-100H. A single one (1) year extension may be requested pursuant to RMC 4-8-100I.

THE APPEARANCE OF FAIRNESS DOCTRINE: Provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

ADVISORY NOTES TO APPLICANT

The following notes are supplemental information provided in conjunction with the administrative land use action. Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.

Planning:

1. RMC 4-4-030C.2 limits the haul hours between 8:30 am and 3:30 pm Monday through Friday unless otherwise approved by the Planning Division.
2. Commercial, multi-family, new single-family, and other non-residential construction activities shall be restricted to the hours between 7:00 am and 8:00 pm Monday through Friday. Work on Saturdays shall be restricted to the hours between 9:00 am and 8:00 pm. No work shall be permitted on Sundays.
3. The project site is zoned R-8 (City of Renton) and is surrounded by King County R-6 zoning.